

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMAL DAMON HENDRIX,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:13-cv-01527-JAD-CWH

ORDER

This matter is before the Court on Plaintiff's Motion to Give Judicial Notice (#43), filed on June 20, 2014, Plaintiff's Motion to Give Judicial Notice (#44), filed on June 20, 2014, and Plaintiff's Motion for the Court to Issue Subpoena Duces Tecum (#49), filed on July 8, 2014. The Court also considered Defendants Response (#47), filed on July 7, 2014.

Preliminarily, Plaintiff requests that the Court take judicial notice of facts related to service of process of the defendants in this action. This is not an appropriate basis for judicial notice. However, the Court will assume that Plaintiff requests that the Court issue a subpoena for information related to the Defendants. Indeed, Plaintiff requests that the Court order Defendant Elizabeth Neighbors to provide the names of the forensic staff supervisors so service can be accomplished. In response, Defendant provided the only ascertainable name of the forensic staff supervisor referenced in Plaintiff's complaint - Phillip Hawkrigg. Plaintiff would need to provide more information regarding identifiable details about the second supervisor in order to allow the Nevada Department of Health and Human Services to determine his or her identity. Accordingly, the Court will deny Plaintiff's Motion (#43) without prejudice.

Additionally, Plaintiff requests that the Court issue subpoena duces tecum to Clark County County Detention Center and the Nevada Department of Health and Human Services at its Lake's Crossing Center to provide the full names and last-known addresses of the two forensic staff

1 supervisors identified in his complaint, Binko, Hem, Wooden, and Rohan. The Court previously
2 granted this relief in Order #34. Additionally, the Court noted that Rohan was not directed to be
3 served in Order #8, and therefore, amended the subpoena issued (#37) to reflect this change.
4 Plaintiff provided no additional information warranting reissue of the subpoena and noted that the
5 custodian of records for Clark County Detention Center complied by providing the available
6 information. Therefore, the Court will deny Plaintiff's Motion (#44) and Motion (#49) without
7 prejudice.

8 Based on the foregoing and good cause appearing therefore,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Give Judicial Notice (#43) is
10 **denied without prejudice.**

11 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Give Judicial Notice (#44) is
12 **denied without prejudice.**

13 **IT IS FURTHER ORDERED** that Plaintiff's Motion for the Court to Issue Subpoena
14 Duces Tecum (#49) is **denied without prejudice.**

15 Dated this 4th day of August, 2014.

16
17
18 
19 **C.W. Hoffman, Jr.**
20 **United States Magistrate Judge**
21
22
23
24
25
26
27
28